

KATHRYN T. WHALEN

Email: ktwhalen@pacifier.com

Fax: 503.228.8397

Present Occupation: Arbitrator

First Business Address

PMB 125
25 NW 23rd PL STE 6
Portland, Oregon 97210-5599
Phone: 503.221.3098

Second Business Address

2588 El Camino Real, F241
Carlsbad, CA 92008
Phone: 503.221.3098

PROFESSIONAL AFFILIATIONS:

American Arbitration Association
Oregon State Bar (Chair, Labor & Employment Section, 2003)
Industrial Relations Research Association
College of Labor and Employment Law, Fellow

EDUCATION:

JD	Law	University of Oregon, 1981
MA	Special Education	University of Oregon, 1977
BA	Psychology	University of Oregon, 1975

CERTIFICATIONS:

Law	Oregon	1981
-----	--------	------

ARBITRATION/LABOR RELATIONS EXPERIENCE:

1997-May 2003: Board Member, Oregon Employment Relations Board. Conduct hearings and write decisions in labor and employment disputes under public sector bargaining law, state civil service law, a limited private sector law. Under public sector law, contract violations are unfair labor practices, so board serves as arbitrator of contract violation disputes when such cases are filed with the board. **1996-1997** worked part-time doing legal research and writing in labor and employment law at Simon & Oppenheimer, Santa Fe, NM (while attending classes at the University of New Mexico). **1986-1996** (partner 1987-1996) attorney, Bennett & Hartman, Portland, Oregon. Practice limited to labor and employment law, representing union clients and individuals in the private and public sector. **1984-1985** In-house counsel for International Brotherhood of Electrical Workers, Local 125. Represented Local 125 and its members in grievance proceedings, arbitrations, administrative proceedings and court cases. **1981-1984** Associate attorney at Richardson, Murphy & Tedesco, Portland, Oregon. Practice limited to labor and employment law representing clients in the private and public sector. Represented clients in arbitrations, administrative agency proceedings, state and federal courts, and in appellate proceedings.

INDUSTRIES:

(As decision-maker and/or practicing attorney) Education, health care, hospital/nursing home, lumber, machinery, metal fabrication, nuclear energy, office workers/clerical police and fire, prison guard, utilities.

ISSUES:

(As decision-maker and/or practicing attorney) Absenteeism, arbitrability, bargaining unit work, conduct (off-duty)/personal, demotion, discipline (non-discharge), discipline (discharge), sex discrimination, drug/alcohol offenses, bonus, holidays, insurance, leave, vacation, grievance disputes, health/hospitalization, hiring practices, job performance, job posting/bidding, layoffs/bumping/recall, management rights, past practices, pension and welfare plans, promotion, safety/health conditions, strikes, slowdowns, work stoppages,

KATHRYN T. WHALEN

subcontracting/contracting out, tenure/reappointment, union security, cost-of-living pay, holiday pay, incentive pay, work hours/schedules/assignments, working conditions/work orders.

PERMANENT PANELS:

State of Montana, Labor Relations Bureau and Montana Public Employees Association (for current contract)

ARBITRATION ROSTERS:

American Arbitration Association

Oregon Employment Relations Board, List of Arbitrators

Washington Public Employment Relations Commission, List of Neutrals

Montana Board of Personnel Appeals

Federal Mediation and Conciliation Service

SIGNIFICANT PUBLICATIONS:

"Scope of Bargaining after Senate Bill 750," Paul B. Gamson and Kathryn T. Whalen, LERC Monograph, Issue No. 14, Labor Education and Research Center, University of Oregon (1996).

"Sexual Harassment in the Workplace: Union Liability," Kathryn T. Whalen, LERC Monograph, Issue No. 12, Labor Education and Research Center, University of Oregon (1993).

"Chapter 6 The Duty to Bargain in Good Faith: ORS 243.672 (1) (e) and (2) (b)," Marianna Kanwit and Kathryn T. Whalen, Labor and Employment Law: Public Sector (Oregon CLE 1990).

"Oregon's Scope of Bargaining: from Schools to Public Safety," Kathryn T. Whalen and Les Smith LERC Monograph, Issue No. 6, Labor Education and Research Center, University of Oregon, (1987).

FEES:

PER DIEM FEE: \$850.00* **DOCKETING FEE:** None **CANCELLATION FEE:** (See below)

Grievance Arbitration: \$850.00 per day for hearing, research, and writing. Research and writing days are prorated.

Cancellation Policy: If the hearing is postponed or canceled less than 28 calendar days but more than 7 calendar days in advance of the scheduled date(s), a fee of \$425.00** will be charged for each day scheduled. If the hearing is postponed or canceled 7 calendar days or less before the scheduled date(s), the full per diem fee will be charged for each day scheduled.

Travel Time: There is no charge for travel time between Portland, Oregon and Seattle, Washington, or Portland, Oregon and Eugene, Oregon (Interstate 5 corridor). Other travel is charged at \$100.00 per hour, not to exceed \$425.00** per day. Arbitrator charges from the nearest business address.

Expenses: Actual costs for transportation (mileage charged at the current IRS rate if own car is used), meals, lodging, copying, fax, and clerical.

*My per diem fee will increase to \$950.00 effective September 1, 2005.

** My cancellation fee and travel fee will increase to \$475.00